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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,674	04/27/2001	Rajko Milovanovic	TI-29757	8437

7590 08/06/2004

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EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,674

Applicant(s)

MILOVANOVIC ET AL.

Examiner

George Eng

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action mailed 9/30/2003 (paper no. 5) is persuasive and, therefore, the finality of that action is withdrawn.

2. This office action is in response to the amendment filed 12/31/2003 (paper no. 6).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks (US PAT. 6,061,055) in view of Tomitaka et al. (US PAT. 5,812,193 hereinafter Tomitaka).

Regarding claim 1, Marks discloses method of acquisition of participants a video telephony session comprising the steps of building a visual enumeration list of targets, i.e., face of participants, (154, figure 5), in the video telephony session for a camera (130, figure 1) to focus on, determining the locations of the targets by determining the location of the target images, and controlling the camera to hop directly from target to target using the location of the target images (col. 2 line 23 through col. 5 line 63), wherein the target images (420 and 520 figure 6) include the faces of participants. Marks differs from the claimed invention in not specifically teaching the building step including to compare a stored bit map of the faces of participants with a received bit map from the camera. However, Tomitaka teaches a camera system enabling surely and suitably to operate and match any change of an object relative to the video camera by comparing a received bit map from a camera with a stored bit map of the faces of participants (col. 3 lines 36-67 and col. 5 line 43 through col. 11 line 67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Marks in having the building step including to compare a stored bit map of the faces of participants with a received bit map from the camera, as per teaching of Tomitaka, in order to provide the video camera enabling surely and suitably to operate and match any change of the object.

Regarding claim 2, Marks to provide a target indicator received from the camera and prompting users to identify whether the target image is to be stored or deleted (col. 4 line 50 through col. 5 line 10).

Regarding claim 3, Marks discloses each target being tagged as a target image (figure 4) in a training session and the targets to be including being called out or otherwise determined by the target image (col. 5 lines 20-26).

Regarding claim 4, Marks teaches to determine and store the location of the targets (col. 4 lines 25-31).

Regarding claim 6, Marks teaches the camera including a driver circuit (100, figure 1) responsive to the stored locations for driving the camera to focus on the targets (col. 5 lines 41-63).

5. Claims 7-12 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks (US PAT. 6,061,055) in view of Tomitaka et al. (US PAT. 5,812,193 hereinafter Tomitaka) in view of Robinson et al. (GB 2,313,251A hereinafter Robinson).

Regarding claims 7-12, the combination of Marks and Tomitaka differs from the claimed invention in not specifically teaching to designate a target person in a whisper target mode and diverting videophone mike and speakers out of shared audio to private conversation. However, Robinson teaches a method of using wireless communication terminal (170) at different stations for performing a multimedia conference as shown in figure 1 capable of establish a private communication between two of more stations during a conference call so that a user is capable of initiating a private communication with other conferees or terminate the private communication (figures 5, abstract and page 6 line 12 through page 9 line 10). Note while Robinson also discloses to connect only a target station during the private communication (figure 4, page 6 lines 26-27) so that it recognizes the private communication being not shared by other stations, i.e.,

removing all other stations except the target station. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Marks and Tomitaka in providing the whisper target mode, i.e., private communication mode, as per teaching of Robinson, in order to allow inter-party or inter-conference communication during a conference call.

Regarding claim 17, Marks discloses method of acquisition of participants a video telephony session comprising the steps of building a visual enumeration list of targets, i.e., face of participants, (154, figure 5), in the video telephony session for a camera (130, figure 1) to focus on, determining the locations of the targets by determining the location of the target images, and controlling the camera to hop directly from target to target using the location of the target images (col. 2 line 23 through col. 5 line 63), wherein the target images (420 and 520 figure 6) include the faces of participants. Marks differs from the claimed invention in not specifically teaching the building step including to compare a stored bit map of the faces of participants with a received bit map from the camera. However, Tomitaka teaches a camera system enabling surely and suitably to operate and match any change of an object relative to the video camera by comparing a received bit map from a camera with a stored bit map of the faces of participants (col. 3 lines 36-67 and col. 5 line 43 through col. 11 line 67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Marks in having the building step including to compare a stored bit map of the faces of participants with a received bit map from the camera, as per teaching of Tomitaka, in order to provide the video camera enabling surely and suitably to operate and match any change of the object. the combination of Marks and Tomitaka differs from the claimed invention in not

specifically teaching to designate a target person in a whisper target mode and diverting videophone mike and speakers out of shared audio to private conversation. However, Robinson teaches a method of using wireless communication terminal (170) at different stations for performing a multimedia conference as shown in figure 1 capable of establish a private communication between two of more stations during a conference call so that a user is capable of initiating a private communication with other conferees or terminate the private communication (figures 5, abstract and page 6 line 12 through page 9 line 10). Note while Robinson also discloses to connect only a target station during the private communication (figure 4, page 6 lines 26-27) so that it recognizes the private communication being not shared by other stations, i.e., removing all other stations except the target station. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Marks and Tomitaka in providing the whisper target mode, i.e., private communication mode, as per teaching of Robinson, in order to allow inter-party or inter-conference communication during a conference call.

Regarding claim 18, Marks teaches to use the interface to highlight a target person (420 and 520, figure 5) on a video screen (120, figure 1).

6. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks (US PAT. 6,061,055) in view of Tomitaka et al. (US PAT. 5,812,193 hereinafter Tomitaka) in view of Obata et al. (US PAT. 6,462,767 hereinafter Obata).

Regarding claims 8-16, the combination of Marks and Tomitaka differs from the claimed invention in not specifically teaching a voyeurism mode designating a target person for viewing

without notice. However, Obata discloses a method for providing a voyeurism mode, i.e., GLANCE, APPROACH and TALK events, during video communication, in order to viewing an intended receiver, i.e., a target person, without notice such that a sender is capable of viewing the intended receiver and the intended receiver is capable of viewing a freeze frame view of the sender (figure 10) before going into the voyeurism mode and obviously comprising the step of escaping from the voyeurism mode (col. 5 line 61 through col. 11 line 52). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Marks and Tomitaka in having the voyeurism mode designating the target person for viewing without notice, as per teaching of Obata, because it makes user friendly so that a user enable to start conversation with a remote companion without disturbing the work with the remote companion.

Response to Arguments

7. Applicant's arguments with respect to claims 1-4 and 6-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Edanami (US PAT. 6,297,846) discloses a display control system for videoconference terminals (abstract). Leppisaari et al. (EP 0884905A2) discloses a method for producing an image to be transmitted from a terminal comprising a pattern recognition for identifying a location of a figure in a recorded image field (page 2 line 41 through page 3 line

17). Sato et al. (JP 09107534A) discloses a video conference equipment to provide an excellent naturality as if a participants were actually making conversation with the opposition conference party face to face (abstract).

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any response to this final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, V.A., Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


George Eng
Primary Examiner
Art Unit 2643